

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 8/13/2013	(3) CONTACT/PHONE John Diodati, Administrative Services (805) 788-2832	
(4) SUBJECT Hearing to consider protests regarding the proposed assessments for the Tract 1747 Streetlight Assessment District. District 4.			
(5) RECOMMENDED ACTION It is our recommendation that your Honorable Board: <ol style="list-style-type: none"> 1. Hold a public hearing of protests, in accordance with California Government Code Section 53753, regarding the proposed Tract 1747 Streetlight Assessment District; and 2. Open a Public Testimony period to allow any interested person to present oral or written testimony and to allow the ballots to be submitted, changed or withdrawn; and 3. Close the Public Testimony period regarding the proposed Tract 1747 Streetlight Assessment District. No ballots may be accepted, changed, or withdrawn after the close of Public Testimony; and 4. Close the Public Hearing and direct the Clerk of the Board to collect and tabulate the ballots and report the results of the ballot tabulation at the regularly scheduled Board of Supervisors meeting on August 27, 2013. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT { } Consent { } Presentation {X} Hearing (Time Est. <u>15 mins.</u>) { } Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS { } Resolutions { } Contracts { } Ordinances {X} N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A { } 4/5th's Vote Required {X} N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date: 6/18/13, Item #30	
(17) ADMINISTRATIVE OFFICE REVIEW Robert D. Cone			
(18) SUPERVISOR DISTRICT(S) District 4 -			

Reference: 13AUG13-H-1

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works
John Diodati, Administrative Services

VIA: Paavo Ogren, Director of Public Works

DATE: 8/13/2013

SUBJECT: Hearing to consider protests regarding the proposed assessments for the Tract 1747 Streetlight Assessment District. District 4.

RECOMMENDATION

It is our recommendation that your Honorable Board:

1. Hold a public hearing of protests, in accordance with California Government Code Section 53753, regarding the proposed Tract 1747 Streetlight Assessment District; and
2. Open a Public Testimony period to allow any interested person to present oral or written testimony and to allow the ballots to be submitted, changed or withdrawn; and
3. Close the Public Testimony period regarding the proposed Tract 1747 Streetlight Assessment District. No ballots may be accepted, changed, or withdrawn after the close of Public Testimony; and
4. Close the Public Hearing and direct the Clerk of the Board to collect and tabulate the ballots and report the results of the ballot tabulation at the regularly scheduled Board of Supervisors meeting on August 27, 2013.

DISCUSSION

Tract 1747 is located northeasterly of the intersection of Thompson Avenue and Chestnut Street in the community of Nipomo. The recordation of both phases of Tract 1747 created 152 new parcels including 151 residential parcels and one open space parcel. The tract was conditioned to construct frontage and project interior improvements to urban street standards; private and public drainage facilities; and utilities to serve each new lot. These improvements were accepted as complete by Public Works on June 1, 2009. Although not required as a project condition of approval, streetlights were also constructed as shown on the approved public improvement plans on file with the Department of Public Works.

During construction the developer entered into an agreement with Pacific Gas and Electric (PG&E) to energize the newly installed streetlights on those streets where residences had been constructed and were occupied. According to PG&E, the developer stopped making their electrical payments on or about December 9, 2009, and in response to PG&E's consideration of de-energizing the streetlights a community meeting was held July 21, 2011, to discuss alternatives.

From an informal survey, over 80% of Tract 1747 property owners are believed to support public administration and a property assessment for continued operation and maintenance of the existing subdivision streetlights.

Based on this feedback, on June 18, 2013, your Board initiated Proposition 218 proceedings to determine if property owners were willing to assess themselves in order to pay for the continued use of the street lights. Proposition 218 requires that ballots are mailed at least 45 days before the public hearing on the proposed assessments, which meant the hearing would be held on or after August 13, 2013.

The Public Hearing today is for any interested person to present oral or written testimony and to submit, change or withdraw their ballot. No ballots will be accepted after the close of the public hearing. At the August 27, 2013 Board meeting, staff will report back the results of the ballot proceeding and provide the appropriate resolution for your adoption.

OTHER AGENCY INVOLVEMENT/IMPACT

The County Clerk-Recorder was coordinated with in order to schedule the Proposition 218 proceedings.

FINANCIAL CONSIDERATIONS

The Services to Special Districts fund was used to process the LAFCO annexation application and is being used to fund this assessment district formation process (Proposition 218 election). The total estimated cost to process both applications is \$15,000. If the assessment district formation process is unsuccessful then the estimated cost may be reduced.

If the Proposed District is established, the ongoing costs of operation and maintenance of the streetlights are estimated to be \$7,815.30 per year which will be entirely offset by the assessment charged to each of the 151 residential lots created by this subdivision. The proposed assessment shown on the ballot is \$51.76 per residential parcel (this does not include a \$2 per parcel assessment collection charged by Auditor Controller).

To pay for the future costs of providing streetlight services the assessment shall be adjusted annually every July 1st in an amount not exceeding the lesser of three percent (3%) or by the average of the percentage increases in the Consumer Price Index (CPI) for "All Urban Wage Earners and Clerical Workers" for all items for San Francisco/Oakland/San Jose and Los Angeles/Riverside/Orange County categories as published by the Bureau of Labor Statistics in April of each year.

RESULTS

Your actions today will result in allowing the public to speak regarding the proposed assessment and allow the Clerk to count the ballots and report back on August 27, 2013.

If the ballot proceeding is unsuccessful, funding for the operation of the lights within Tract 1747 would not be provided by formation of the proposed District and LAFCO would not final the proposed Districts annexation into the Nipomo Lighting District. The interested residents of Tract 1747 must then make other arrangements in order to keep their streetlights energized.

File: Tract 1747-Streetlights

Reference: 13AUG13-H-1

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ATTACHMENTS

1. Vicinity Map